

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ALEJANDRO ROMAN-TORRES**

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**CRIMINAL NO. 4:17-CR-156-ALM-CAN**

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 23, 2020, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Heather Rattan.

On January 29, 2018 United States District Judge Marcia A. Crone sentenced Defendant to a term of twenty-one (21) months' imprisonment, three (3) years of supervised release, and a special assessment fee of \$100. On February 18, 2020, this case was reassigned to United States District Judge Amos L. Mazzant, III.

On March 5, 2020, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Original Petition") (Dkt. 31). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; and (2) upon the commencement of his term of supervised release, Defendant shall immediately surrender himself to a duly authorized immigration proceedings for deportation proceedings in accordance with the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*, and, if Defendant is deported under the INA, Defendant shall remain outside of the United States.

The U.S. Probation Officer then filed an Amended Petition for Warrant or Summons for Offender under Supervision (the “Amended Petition”) (Dkt. 43) on September 21, 2020. The Amended Petition asserts the same two violations and underlying events as the Original Petition but adds another violation: (3) Defendant must not commit another federal, state, or local crime.

The Amended Petition asserts that Defendant violated these conditions because: (1) on January 24, 2020, Defendant was arrested in Durant, Oklahoma, and charged with driving a motor vehicle while under the influence of alcohol, driving without a valid license, failure to maintain insurance or security, and speeding in excess of lawful maximum limit; (2) after being deported from the United States pursuant to the proceedings set forth in the INA, Defendant unlawfully re-entered the United States and was found in Durant, Oklahoma on January 24, 2020; and (3) on May 29, 2020, Defendant was arrested in Grayson County, Texas, for driving while intoxicated.

On September 23, 2020, the Court conducted a final revocation hearing on the Amended Petition. Defendant entered a plea of true to allegations 1, 2, and 3. *See* Dkt. 46. Defendant also consented to revocation of his supervised release and waived his right to object to the proposed findings and recommendations of the United States Magistrate Judge. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the September 23, 2020 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months, with no supervised release to follow. The Court further recommends Defendant be placed at the Federal Correctional Institution in Big Spring, Texas.

**So ORDERED and SIGNED this 25th day of May, 2021.**

A handwritten signature in black ink, appearing to read 'KLPJ', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE